Secretariat Manual of Office Procedure for sending acknowledgement as well as final replies to letters received from the Members of Parliament and MLAs by the officers of the Central Government which may inter-alia relate to various development schemes. As per these guidelines, communications received from Members of Parliament should be attended to promptly. Each communication is to be replied to within 15 days. Where a delay is anticipated in sending a final reply or information has to be collected from officers other than the office to which the letter pertains, an interim reply should be sent within a fortnight indicating the possible date by which a final reply can be given.

(b) There exists no system for centralised tabulation of replies sent or still pending for reply with officers in various government offices. Hence it is not possible to state in how many cases reply to MP letters has not been given by the officers.

(c) No information is available on this point. The guidelines stated above are not applicable to the officers of State Governments as the State governments generally prescribe their own guidelines in this regard.

(d) All officers in the ministries/ departments of Government of India are expected to observe the guidelines laid down in paras 57 & 60 of the Manual of Office Procedure Any violation of the procedure is dealt with as per existing disciplinary procedures.

Pay Commission's Recommendation for pensioners

2380 DR MOHAN BABU
DR. Y. LAKSHMI PRASAD:

Will the PRIME MINISTER be pleased to state:

(a) whether the Fifth Central Pay Commission had recommended payment of at least half of the minimum of the revised scale to pensioners;

(b) if so, the reasons for not agreeing to the recommendation; and

(c) whether, as a welfare measure, Government would consider implementation of the above recommendation, to give relief to pensioners who are hard-hit due to price rise?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S. R. BALASUBRAMONIYAN): (a) Yes Sir.

(b) The recommendation of Pay Commission for the consolidation of pension in respect of all pre-1.1.1996 retirees, in accordance with the formulation given by it, has been accepted. In the case of pre-1986 retirees, The Government has also accepted the recommendation that before such consolidation, their pension may be updated by notional fixation of their pay as on 1.1.1986 by adopting the same formula as for the serving employees. The Government considers that the above measures will provide adequate relief to the pensioners.

(c) Does not arise in view of answer to part (b) above.

Withdrawal of Circular on Seniority of SC/ST Officers

2381. SHRI SUSHIL BARONGPA: Will the PRIME MINISTER be pleased to state:

(a) whether Government are aware of Supreme Court's Judgements in the cases of Shri Jagdish Lal and others V/s State of Haryana and Ashok Kumar Gupta V/s State of U.P. dated the 7th May and 21st March, 1997, respectively;

(b) if so, the details thereof;

(c) whether Government have issued any circular on seniority of S/ST officers promoted earlier, vis-a-vis general candidates promoted later on 30th January, 1997.

(d) whether Government have received any representation against this circular; and

(e) whether Government propose to withdraw the said circular in view of the Judgements; if so, the details thereof; if not, the reasons thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S. R. BALASUBRAMONIYAN): (a) and (b) The Hon'able Supreme Court in its judgement dated 7th May, 1997 in the case of Shri Jagdish Lal and others Vs. State of Haryana has held *inter-alia* that the principle laid down in Shri Virpal Singh Chauhan's case will operate prospectively and will not affect promotions of the reserved category candidates which were made prior to the case of Shri Virpal Singh Chauhan. Also, the ruling in Chauhan's case canot be given effect automatically through isue of executive instructions if there is contrary provision in the statutory rules. In others words, it will be necessary to amend the statutory rules governing seniority to give effect to the ruling of the Hon'ble Supreme Court. Where, however, there are no statutory rules regulating seniority issue of instructions in this regard would suffice.

In the case of Ashok Kumar Gupta Vs State of Utta- Pradesh, the challenge was directed at reservation in promotion. The Hon'ble Supreme Court in its judgement dated 21 8 1997 has upheld the validity of reservation in promotion under the relevant rules on the grounds that the Supreme Court in Indira Sawhney's judgement has permitted the existing scheme of reservations in promotions to continue for a period of five years from the date of said judgement.

(c) to (e) Having regard to the judgement of the Hon'ble Supreme Court in the matter of Union of India & Others Vs. Shri Virpal Singh Chauhan etc., orders have been issued by the Government vide O.M. No. 20011/1/96-Estt. (D) dated 30.1.1997 that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/OBC candidate who is promoted later to the said immediate higher post/grade, the general/OBC candidate will regain his seniority over such carlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade. However, if in the meanwhile, the reserved candidate; who got accelerated promotion to the immediate higher grade, has moved still further by getting promotion to the next higher grade, no benefit would accrue to the general/OBC candidate at the time of his promotion. These orders are effective prospectively from the date of issue.

Representations have been received against the orders which were examined in the light of the law laid down by the Hon'ble Supreme Court and the provisions made in the afo-e-said O.M.

In view of the afore-said position, there is no proposal at the moment to withdraw the said orders.

Applicabilily of CCS rules to autonomous bodies trusts

2582. PROF. RAM KAPSE: Will the PRIME MINISTER be pleased to state:

(a) whether it is mandatory for Autonomous Bodies/Trusts created by Parliament's Resolution and obtaining grants from Government, to follow the provisions of C C S rules, as applicable to other Government employees;